

## **Socio-Legal Complexities and the Pursuit of Dignity: Access to Social Justice for Dalit Christians**

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Christianity is highly regarded as an appropriate religion for the ex-untouchable or Dalit minority in India. Dalit Christians are individuals or communities who have mostly converted to Christianity from the Scheduled Castes but have been excluded from the official list of Scheduled Castes according to the Constitution, specifically the Scheduled Castes order of 1950 by the President of India (Paswan and Jaideva, 2004). Nonetheless, the Christian Dalit Liberation Movement adopted the term "Christian Dalit" during its second phase in 1984 in Hyderabad. The term "Christian Dalits" was used instead of "Christians of Scheduled Castes origin" (CSCOs) or "Dalit Christians" to emphasise the dignity and humanity of Dalits. The phrase "Scheduled Castes Origin" has also been employed by the National Convention of Catholic Christians, held in Bombay in June 1989, to refer to Christians belonging to the scheduled castes. However, this category remains not widely used in common contexts (Paswan and Jaideva, 2004:305).

In 1950, the President of India issued the first "Constitution (Scheduled Castes) Order, 1950" which identified the castes as officially recognised as Scheduled Castes. This action was taken within the authority granted to the President by Article 341(1) of the Constitution of Independent India. The third paragraph of the order, however, states that regardless of the information in Paragraph 2, individuals who follow a religion other than Hinduism will not be considered members of the Scheduled Castes (Fazal, 2017:2). This judgement explicitly states that those belonging to untouchable castes who adhere exclusively to the Hindu religion are eligible for the constitutional advantages that are specially intended for the scheduled castes. The primary contention put up by these groups advocating for SC status is that the refusal to provide SC status to converted Christians and Muslims amounts to a breach of Articles 14, 15, and 25 of the Indian Constitution, which pertain to Fundamental Rights. Article 14 of the Constitution guarantees equality under the law. The provision affirms that within the territory of India, the state is prohibited from denying any individual equality before the law or equal protection of the laws.

The prohibition of discrimination based on religion, ethnicity, caste, sex, or place of birth is stated by Basu (2008)." Additionally, Article 15 of the constitution addresses the 'prohibition of discrimination based on religion, race, caste, sex, or place of birth" (Basu, 2008). The provision outlaws any kind of discrimination by the state against citizens based on religion, race, caste, sex, or place of birth. Article 15(4) grants the state the authority to create specific measures for the progress of socially and educationally disadvantaged individuals or SCs/STs. Articles 15(4) and 15(5) grant specific authority to create measures for the progress of socially and educationally disadvantaged groups in India. This forms the basis for reserving seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the country. Furthermore, Article 25 of the Constitution addresses the matter of religious freedom. Article 25(1) of the Indian constitution ensures that every individual in India has the right to freedom of conscience and the freedom to openly practise and promote any religion, belief, or faith within the country's borders.

However, by providing this accommodation for individuals who adhere to specific religious beliefs, while refusing others who proclaim a different religion but experience the same level

of pain and suffering, there is an inconsistency. Refusing these possibilities solely based on the profession of a specific religion and showing preference for another religion among people of the same community and origin is a breach of constitutional provisions. It goes against the essence of the Constitution, which ensures equal treatment under the law and advocates for secularism and the freedom of law as fundamental values.

Although caste originated in Hinduism, it is not limited to Hindus. The caste system and its rituals have also permeated into other religious organisations. People belonging to Christianity, Islam, and other religions also practise caste systems comparable to those in Hinduism. Within the framework of Christianity, individuals are often more accurately described as belonging to distinct caste groupings rather than simply religious groups. Following conversion, Indian Christians tend to prioritise their caste identity and engage in caste-based social associations. They remain subject to the influence and practices of the principle and ideology linked to caste. India Christians in India are split based on their caste and ethnic identification. The perpetuation of caste ideology has been a significant factor in maintaining these divisions and the diverse nature of the Christian community in India (Webster, 1992; Patil and Dhabi, 2010). The issue of caste is equally relevant in the lives of Dalit Christians. Dalit Christians are further stratified based on their caste, and their social interactions are mostly influenced by their familial connections rather than their religious affiliation. Just like Dalits, individuals in the Hindu religion are denied equality and subjected to untouchability and many forms of exploitation. Dalits in Christianity likewise encounter analogous challenges. While Christianity does not explicitly address the issue of caste, it is an undeniable truth that caste customs persist among Christians in India. Christianity in India has been unsuccessful in integrating Dalit Christians and emancipating them from the historical oppression caused by the caste system (Robinson, 2003). The Dalit Christians continue to face caste-based prejudice and untouchability from their fellow Christians. They experience discrimination and injustice in both their social and religious lives, both within and without the church. It infringes against human rights and simultaneously violates constitutional principles that uphold equality, fairness, and dignity. Thus, the perpetuation of caste practices and the resulting suffering experienced by individuals and social groupings are in direct opposition to the fundamental principles of human rights and constitute a blatant violation of the rights of individuals.

The church plays a crucial role in the daily lives of Christians. Churches do not address the external matters of Dalit Christians, such as social, political, and economic issues. The concerns of the Dalit Christians do not lie with the missionary, pastor, or churches. They do not assist in cases of crimes, rioting, or discrimination based on caste. The issue of caste-based discrimination and the challenges posed by other religious organisations, as well as the exclusion of Dalit Christians from many public policies, are not taken into consideration in the context of church life.

Dalit Christians have experienced the same historical hardship as being born into the untouchable caste. They continue to experience caste-based prejudice, oppression, and acts of violence. Nevertheless, once Dalits convert to Christianity, they are no longer considered part of the scheduled caste and are therefore denied the privileges and advantages that are intended for the Dalit community, despite their past experiences of suffering, disabilities, and exploitation as a result of their caste. The constitutional provision of compensated discrimination, sometimes referred to as reserve, was initiated during the British Period in 1936. Subsequently, the constituent parliament of Independent India embraced this concept and included it in the Constitution as Constitutional rights. The Scheduled Castes Order of 1950 excludes anyone who practices religions other than Hinduism. Following the conversion, Dalit Christians are no longer eligible for the benefits of reservation in school, work, and politics

that they had been entitled to between 1936 and 1950. This marginalisation has emerged as a significant factor contributing to the educational and economic underdevelopment of Dalit Christians. The marginalisation of Dalit Christians has been significantly influenced by this factor, which has also impeded their socio-economic advancement (Fazal, 2017).

In the past, caste and religion had a significant role in oppressing the Dalit minority, and the state actively contributed to this oppressive system. Dalit Christians have long been victims of caste discrimination and social exclusion, which has severely affected their well-being and social standing. They were the most disadvantaged segment of Indian society. Currently, the contemporary democratic nation has actively engaged in this process. The exclusion of Dalit Christians from affirmative action benefits has exacerbated their marginalisation and hindered their progress towards upliftment.

Dalit Christians are not only deprived of quota benefits, but also denied other constitutional rights and protections that are afforded to the scheduled castes in addressing many issues. In addition, they are excluded and denied the opportunity to seek civil protection and safeguards that are granted to all Dalits by the Protection of Civil Rights Act 1976, the Untouchability (Offences) Act 1955, and the SC/ST (Prevention of Atrocities) Act 1989. The main point is that Dalit Christians are not included in the scope of this Act. Even after converting to Christianity, Dalit individuals continue to maintain their original caste identity within the same social and geographical context. They continue to be subjected to caste-based discrimination, disabilities, and atrocities. It is a common occurrence that Dalit Christians are subjected to torture, murder, exploitation, and exclusion by the Caste Hindu community. Ironically, Dalit Christians are susceptible to experiencing abuse, insults, rape, murder, as well as the destruction of their homes and crops. However, the perpetrators cannot be subjected to legal proceedings or sanctions, and Dalit Christians are unable to utilise this legislation to safeguard themselves against the violence and injustices perpetrated against them. The denial of rights, safeguards, and privileges based on the expression of freedom of thought and the choice of a specific religion is a violation of the moral principle enshrined in the Indian Constitution. Violations of fundamental rights occur when individuals are denied the freedom to practise any faith. The act in question is a violation of the Constitution and a breach of the principles of equal treatment and non-discrimination based on religious beliefs. The isolation and injustice faced by Dalit Christians in India are not an isolated incident, but rather a systemic issue that has been institutionalised. The state has legalised and justified the existence of injustice and inequality. Moreover, Dalit Christians belonging to the scheduled caste group have not only been excluded from receiving reservations in school, work, and politics, but they are also exempted from other privileges provided by particular plans and policies intended for them. Dalit Christians are deprived of housing facilities, land rights, and other state-provided amenities that are available to Dalits. This exclusion has resulted in a division between the Dalit community and the Dalit Christian community, leading to an increase in animosity between them. A significant proportion of Dalit Christians are engaged in their traditional occupation of landless labour, which renders them economically vulnerable. The unemployment rate has risen due to the exclusion of employment, education, and politics, resulting in increased poverty. Individuals belonging to minority groups often experience a sense of helplessness due to the lack of support and representation in addressing their concerns and challenges. The impoverished segments of Dalit Christians are the most severely affected by this exclusion. The Dalit Christians, who are economically prosperous and possess significant social influence, can effectively engage with government officials and successfully access various services. The Dalit Christian community is experiencing a significant increase in landlessness, illiteracy, unemployment, and poverty. As a result, many individuals are compelled to migrate to different districts and states in search

of employment and work opportunities. Children belonging to the Dalit community who are also Christians are not eligible for post-matric scholarships and free book benefits. The educational advancement of Dalit Christians has been significantly impacted.

## **Empirical Analysis of Marginalised (Dalit) Christians in the Churches**

### **Section Selection and Admission into Seminary/ Priest Allocation to Parish.**

Admissions in seminary are mainly done on the basis of faith in the person in God, and in a few parts, it is done on whether the person has received an inner call for priestly life after attending many vocation camps. Merit only comes into the picture of the time of seminary life since priestly life is long and a hard journey it takes 12-15 years to study and complete the journey in which the students have to cover many subjects to study like foundation, philosophy and theology etc. if the students are not able to cover those this it would be the worse many a times the students are sent back home, the reason behind this states that the if the person has received the inner call or the faith then the person can complete the course with not much of huddles. Money factors also comes into the picture here when the person is not able to pay the church at times pay it but the church is not financially strong enough to pay for whole of the students the seminary has its own expenses, many a times seminary which have a way of income can help the students but not all the seminary are self-dependent so sometimes the reasons for sending back is also a money factors.

Many backward classes of Christians are helped by the seminaries to get through the 15 years of course in monetary matters. There are no seats reserved for various cast groups in the seminary. Usually, all who have received the inner call in faith in God. As well as that, all are free to choose the courses of their comfort. Seminary students are not treated unequally, but yes, favouritism does happen everywhere, so at times it feels like inequality.

No seminarians are terminated for just reasons, but always reasons for termination given are like health issues, family problems, etc. But the trend in termination in Tamil Nadu is debatable; the common reason is disobedience in the Holy order, which needs to be defined because mostly terminated seminarians are marginalised communities. No one clear the parameters and indicators of the reason disobedience. Usually in the ranking of pass outs marginalised Christians are low this is because of many basis the major one is education usually the cast Christians are usually exposed to the good or best quality education system the medium of their schools differs so at times it happens that they are not able to grasp and focus on the topics so it takes more time and care for these kind of students so it takes a while for them to pass out.

Coming to the completion and going as a priest to a parish is another big journey. While in the seminary, the priest observes the candidates, and in their final report, their conduct is mentioned in the course of the seminary; accordingly, they are placed in various parishes to render their service. At times, a priest, due to certain reasons like further education in any other area, has a posting to that location on valid grounds. The ill-treatment of backward Christians only happens in those places like the interior places, i.e. rural areas, where education is not gained to all people. In urban places, this kind of ill-treatment happens very rarely, and in such a busy urban life, no one don't even cares whether the person is from the backward class or not, so the chances of ill-treatment are high in rural areas. The canon law has of now doesn't provide any specific provisions for the backward Christians. This is because the law gets its origin from Western and non-binding. The Church is administered by a standard hierarchical system where each stage has certain unwritten as well as written norms.

The Pope is the head of the Roman Catholics. For the Non-Roman Catholics, the major Arch Bishop is the head. The order of positions in the Catholic Church is:-

The Pope,	<input type="checkbox"/>	Vicariate Head	
<input type="checkbox"/>	Cardinals,	<input type="checkbox"/>	Senior Parish Priest, Parish Priest
<input type="checkbox"/>	Archbishops,	<input type="checkbox"/>	Assist. Parish Priest,
<input type="checkbox"/>	Diocesan Bishops,	<input type="checkbox"/>	Honorary titles,
<input type="checkbox"/>	Other Bishops,	<input type="checkbox"/>	Diaconates,
<input type="checkbox"/>	Ordinaries and local ordinaries	<input type="checkbox"/>	Laity
<input type="checkbox"/>	Presbyterate Priesthood		

The following table reflects the views of the respondents with regard to selections into Seminary, Ordination, and Priest allocation to a parish. As the number of Catholic priests is not proportionate to the catholic population, owing to which many catholic boys yearn to join the seminary to prepare themselves to serve the community. Though the church is fair and unbiased in its theory and practice, and follows a 'no reservation policy in admission' to seminaries or appointment for church positions. However, the survey stated that 263 respondents have reported seminaries admitting candidates based on caste.

The Church doctrines that the priesthood is a vocation and that only those candidates who get the divine call should be admitted to the seminary. All the seminary students are also free to choose their courses according to their likes and interests. On the contrary, 274 respondents have claimed that Dalit Christian candidates who qualify are treated unequally, and favouritism is shown in the assessment of Caste Christians. 279 out of 300 samples have claimed that DC seminaries are terminated for ambiguous reasons. Owing to which percentage of DC seminarians completing their seminary study is low, as stated by 281 respondents. Usually, allocations of the priest take place from the seminary itself according to the performance of the candidate and are then posted to the parish suitable for them. Which is not true, as reported by 189 of the sample. CC parishioners cooperate with the decisions or suggestions of DC parish council members/ parish priest, as agreed by only 207 of the 300 sample. 187 respondents have observed that DC priests have been threatened by CC people, especially in rural areas.

### **Section B-Parish Council/Parish Admin-Management/Marginalised Dalit Christian's role**

Every parish has its own parish council. The pastoral council is usually held to discuss various matters regarding the church, its property, and its functioning. As the parish is future classified or divided into groups, i.e. units. Everybody doesn't have time to sit and attend the parish council meeting, so every unit appoints a parish council member from their unit in a general election. The elected person then attends the meeting and conveys the important and decided topic to the whole unit. By this method whole of the whole parish comes to know what has been discussed in the meeting. There is no discrimination made in the election of pastoral members election representatives are elected based on either voluntary or election. It doesn't mean backwards-class Christians can't participate in such elections. Mostly, the backwards-class Christians struggle for their livelihood, and a few may be daily paid workers, so it is hard for those people to devote their time to the pastoral meeting. Mostly, the common practice that is followed is that the representatives are elected at the time of unit meetings or get-togethers. The duties of the parish council member are to give all the clarifications and details to all the unit members, so he has to coordinate with all, which would be rather difficult for the lower-class Christians.

The canon law doesn't give any provisions for any backward class Christians, though it is brought to the view at times; however, in India, the priests do consider the backward society and at times make certain rules to be followed by the church for the benefit of these backward class people. Today is the era of women's empowerment, so nowadays women do become the pastoral members; they also take part in these meetings, apart from these people, a representative from the youth, catechism section, etc., also takes part in these meetings. This section concerns the priest who in the Code of Canon Law is referred to by the term *parochus*, which in some English-speaking countries is rendered as "the parish priest", in others as "the pastor". The English term "pastor" is also used in a more generic sense, corresponding instead to the Latin term *pastor*. The parish priest is the proper pastor of the parish entrusted to him. He exercises the pastoral care of the community entrusted to him under the authority of the diocesan Bishop, whose ministry of Christ he is called to share, so that for this community he may carry out the offices of teaching, sanctifying and ruling with the cooperation of other priests or deacons and with the assistance of lay members of Christ's faithful, in accordance with the law

Every parish church has its own parish council group, which is representative of their small Catholic communities known as 'Anbiyams'. The Church encourages all the parishioners to be part of this core group, and everyone has the right to represent their Anbiyam. However, 150 respondents observed that Dalit Christian members are encouraged to be part of the parish council. While in rural areas, discrimination is prevalent, and representation of DC is very low or nil. 233 responses of 300 agreed that usually parish council members are elected on the basis of fair elections for a period of a year in urban areas. In rural areas, the community representative continues to parish council member till his death or only if another challengeable candidate is willing to take his place. 240 respondents were of the view that seats are reserved for the cast Christians in the parish council. The Caste Christians have a majority in the community as well as in the Parish council, and hence, the few DC voices remain unheard, or their plans and suggestions are not given importance. This was reported by 211 respondents. The parish council plans and conducts social gatherings or functions for parish togetherness, as reported by 246 respondents. 211 samples have agreed that seats are allotted for parishioners of sub-parishes in the parish council, also. On the contrary, 217 respondents have stated that Anbiyams (small catholic communities) are formed based on castes, which sets the stage for all kinds of discriminatory practices.

### **Section C -Sacraments/Eucharistic Services/Other Services**

The Catholic Church recognises seven sacraments. Baptisms are given to all Christians at the birth of the child, and baptisms are also given to elderly people who want to convert to Christianity. There is no reason that a Christian should not be given the very first sacrament the baptism. Holy confirmation means the faithful are sealed with the gift of the Holy Spirit and strengthened in their life. All of them are given together; there is no basis for discrimination regarding this. Holy Eucharist means the sacrament which allows the person to receive the flesh and blood, i.e. to receive the body of Christ. There is no basis for discrimination regarding this matter. All the candidates are gathered together and in the same place and at the same time.

Reconciliation means the sacrament that allows the person to reflect upon the sins committed and confess them to God through the mediation of a priest. By this sacrament, the sins are pardoned. Marriage, this sacrament allows two persons, i.e. the bride and the groom, to wed each other through the church and allows them to have a family life ahead. Anointing of the sick is the sacrament that is given to the person who is in the stage of leaving earthly life, and

to have a peaceful death. Not all are blessed to receive these sacraments, i.e. those who die unexpectedly or in an accident. Holy orders is a sacrament which includes a bishop, priest and deacon. This sacrament allows the person to receive the priestly ordinance.

The sacraments play a crucial role in the life of a Christian. It binds the individual to the religion and the community. The Catholic Church treats everyone equally, and sacraments are given to each individual in the catholic community, irrespective of caste. The scenario changes in certain parishes in rural areas where the Caste Christians are known to practice discrimination in terms of organising the sacrament giving ritual at a separate time or place separately as agreed by 53 respondents, or preparing the children and youth receiving sacraments like communion and confirmation, which has been affirmed by 53 respondents

The celebration of the Eucharistic services or mass requires the participation of the laity as Altar servers, preparing the liturgy, readers, choir members, communion servers, etc. and MC children and youth are given equal opportunities during mass services, as stated by only 243 of the 300 respondents. In certain parishes where a majority of the Caste Christians exist, all parish-related work during the services or later is seen to be carried out by them in large numbers, as observed by 189 respondents. Since the church does not discriminate between MC and CC, all parish youth are encouraged to join the church youth group. However, 99% respondents have reported in negation.

#### **Section D-Feast and Festivals.**

- a) Feasts are never used for discrimination; all are welcome, even the homeless.
- b) Here, there is a need for money to celebrate the feast, so those with money are the ones who play the crucial role in the organisation of such feasts.
- c) There are no such arrangements made regarding the masses for the backward Christians, unless for their convenience and interests.

Every parish celebrates its parish feast and other important feasts and festivals together. They are never used as a means of discrimination; however, 111 respondents have observed in negation, which indicates otherwise.

#### **Use of the Church property.**

Dalit Christian's role in church property is very discriminatory; they are denied access to Church properties. There are commercial buildings, agricultural lands, and common lands for social gatherings; these properties are controlled by the dominant Christians in the name of the parish council. The offerings in many pilgrimage centres are not distributed democratically. All the church properties are usually used for charity purposes, but the charity is not done fairly; it does not extend to Dalit Christians. However, it is recommended to have a computerisation for administrative and monetary matters. In many parishes, clergy control the total income, and there are complaints that these are not managed fairly. In many parishes, since no use of computers, these funds are used for illegal purposes by those who have power and political contacts. Not all the income is used for the charity; some is used to meet the expenses of the property, and some is reserved for various funds, like donations to certain people and maintenance of the church. In the maintenance, they hardly engage the Dalit.

#### **Knowledge regarding Canon law.**

Canon is the Greek word for rule, norm, standard or measure. It is used in several ways in church language. Canon Law is a code of ecclesiastical laws governing the Catholic Church. In the Latin or Western Church, the governing code is the 1983 Code of Canon Law, a revision

of the 1917 Code of Canon Law. A separate but parallel Code of Canons of the Eastern Churches, issued in 1990, governs the Eastern Catholic churches. That document was the first comprehensive code of church law governing all Eastern Catholic churches. The Code of Canon Law promulgated by Pope John Paul II in 1983 contains eighty-four canons that call for or permit legislative action by the episcopal conference. More than 100 canonists from throughout India, meeting here, heard the Canon Law Society of India (CLSI) president call for greater respect for the common person within the Church. The society's main focus this year is to help the Church serve laity with greater justice, CLSI president Father Sergio Mascarenhas told the sixth annual CLSI national convention Oct. 12-16 in the capital of southern India's Kerala state.

Canonists should look more closely at daily problems affecting the order and peace of "people who are little better than slaves," Father Mascarenhas said. He said the CLSI has discussed anomalies in the Indian Christian marriage laws for years, but marriage is not the only issue that concerns people. "It is high time we looked into other social issues," he said. Marriage is only one issue, but "justice is the vital issue of the day." The majority of the people are not aware of the canon law other hand, the law is not binding on the churches, which gives directions on liturgy, issues and disputes are dealt without consultation of this code. It is taken for granted and is only mentioned or used, or applied when an instance occurs, then the law is forgotten. The canon law should be scrapped because in foreign countries also these laws are not much applied. The main reason is the difference between the practices and traditions of each region and people. Thus, this does not apply to address issues arising across the states of India. There should be a special provision and sub-laws for various countries to follow, and it should be mandatorily followed by the people of the country. These will help reduce many internal and external issues of the riots and problems of the backward as well as the non-Christian Christians.

In addition to the reduced rights Canon Law hierarchically affords laypeople, Canon Law interpretations further enable harassment and bullying because they usually favour protecting the images of clergy and the institution over laypeople's dignity. This occurs for a few reasons:

1. Clergy serve as judges in cases of Canon Law.
2. Clergy acting as judges almost universally incorrectly perform a mental substitution of the word "hierarchy" for the word "church" when it appears in Canon Law, rather than correctly interpreting it as "the people of God".
3. Many clergy, such as Pope Benedict, have transformed the apostolic duty to serve the least among us into a superiority complex, and perverted leadership into manipulation, believing clergy need to manipulate "simple-minded" laypeople of "simple faith" "for their own good and salvation". However, manipulation is a form of harassment and bullying, as is coercion. These tactics, combined with a power imbalance, induce stress and exacerbate a person to control their behaviour or get rid of them if they can't be controlled. Threats, humiliation, fear, deception, lies, ignoring, ostracising, stalling, or evasion to control people or situations all constitute harassment and bullying. Sometimes bullies try to make the victim seem like the bully, which in itself is a bullying tactic.

Today, as ever, the Church's mission to proclaim the Gospel of Jesus Christ and promote the life and dignity of each human being has much to do with insight into cultures. Catholic parishes are moving from mono-cultural patterns to ones we call "shared," that is, to parishes in which more than one language, racial or cultural group seek to celebrate the Eucharist and embody Christian community. For ministers and pastoral workers to be effective in this diverse environment, the right knowledge, attitudes and skills need to be developed. The Indian

government denies statutory benefits to low caste converts to Christianity because Christianity has no casteism. Christian converts from weaker sections are denied all protection only because they have changed religion; the archbishops and canonists have the duty to speak out for the rights of the faithful and defend them against injustice. Harassment and division caste lines are not tolerated in most secular societies. Indian secular government and institutions enact laws and rules not only protecting people from various barriers but giving recourse for victims and society to hold aggressors accountable. This is true whether the aggressor is an individual, group, or official. Since church leaders promote themselves as superior purveyors of truth and justice, one might expect the church to ensure the rule of law and secular society. However, Canon Law barely addresses the topic other than in cases where someone was coerced into receiving a sacrament. Canon Law grants few rights to laypeople and little to no recourse for holding clergy accountable when caste issues occur.

### Composition of Prelates in Tamil Nadu

It is an alarming status for the Dalit Christians, though they constitute the majority, but prelates are very minimal. The below given figures below indicate that there are some dioceses where there are Dalit priests; at the same time, the caste Christians constitute the majority. There are reasons for less representation, very inception of the novice in the minor seminary, if they found the representation is high caste plays a role, apparently, they are thrown out of the monastery for unjust reasons. Construction of two chapels, one for Caste Christians and the other for Marganailsied Christians. In some parishes liturgical services are conducted separately for Caste Christians and Marginalised Christians. Separate seating arrangements within the same chapel. Dalits are usually seated at the two aisles. Even if there are benches or chairs, Dalits are required only to be seated on the floor. The existence of two separate cemeteries and two separate hearses to carry the dead.

Caste Christian Bishops-18	Dalit Catholic Bishops - 2
Caste Catholic Bishop Emeritus-3	Dalit Catholic Bishops Emeritus -1
Caste Vicariate -35	Dalit Vicariate -5
Caste Deacon -270	Dalit Deacon 23
Caste Christian in Theology -275	Dalit Christian Theology-11
Caste Christian in Major Seminary-385	Dalit Christian in Major Seminary-46

The operation of two separate queues to receive the sacred body of Christ. In some places, Dalits are required to receive communion only after the non-Dalits. Dalit boys are not allowed to be altar boys and lectors at the sacred liturgy. Non-Dalits restrict the Corpus Christi procession, Palm Sunday procession and other processions to the limits of their streets.

### Prelate status in the caste line

Diocese	Caste Christian	Dalit Catholic.	Caste Catholic.	Parish es	Parish Priests	Dalit Priests
Chengalput	1.50,000	(2,440,565 includes)	(780,981 includes)	66	91	17
Coimbatore	2,50,139			70	143	3
Dharmapuri	51,230			32	66	4
Dindigul	1,03,049			304	102	6
Kottar	4,77,174			340	287	7
Kumbakonam	2,07,235			631	177	8
Kuzhithurai	2,64,222			78	131	5

Madras -Mylapore	3,41,314	<b>all Diocese)</b>	<b>all Diocese)</b>	100	153	23
Madurai	1,37,150			432	155	8
Marthadom	63,750			76	35	4
Ootacamund	84,500			129	132	na
Palavamkottai	1,23,789			314	91	na
Ramanathpuram	NA			18	18	na
Salem	84,072			232	98	na
Sivangangai	2,04,500			960	166	5
Thanjavur	1,92,381			1,172	202	8
Thuckalay	25,000			54	46	6
Tiruchirapalli	1,76,386			62	199	18
Tuticorin	4,10,000			105	212	16
Vellore	1,45,996			82	198	18
	3,254,087			<b>2,440,565</b>	<b>780,981</b>	<b>5,179</b>
						<b>2,702</b>
						<b>166</b>

Source: *Christian Directory-2018*

Dalits are not invited to participate in the washing of feet ceremony on Maundy Thursday. For fear of claiming equal participation in the celebration of the feast of the parish patron saint, Parish Councils decide not to collect financial contributions from Dalits. The feast of the village patron saint is celebrated separately.

### **Head of the Catholic Church and its Narratives on Marginalised Christians**

Forcefully repeating his message of engagement and of reaching out to those marginalised by society, Pope Francis told the world's Catholic cardinals they cannot become a "closed caste" of prelates who do not turn to the outcast or to those in need. Speaking during a homily at a Mass on one of the Sundays with some 160 cardinals from around the world, Francis again outlined for the high prelates a powerful vision of a church marked first by seeking out others and by welcoming them, no matter their situation in life. The credibility of the church and the Christian message, the pontiff said, rests entirely on how Christians serve those marginalised by society. Therefore, the Catholic Church should ensure equality in all sphere in the house of Gods "Dear brothers," Francis told the cardinals, "I urge you to serve the Church in such a way that Christians -- edified by our witness -- will not be tempted to turn to Jesus without turning to the outcast, to become a closed caste with nothing authentically ecclesial about it." Saying he urged the prelates "to serve Jesus crucified in every person who is marginalized," the pope said they must "see the Lord present even in those who have lost their faith, or turned away from the practice of their faith, or who have declared themselves to be atheists."

"We will not find the Lord unless we truly accept the marginalised!" the pope exhorted. "Truly, the Gospel of the marginalised is where our credibility is at stake, is found and is revealed!" Francis was speaking Sunday at a Mass in St. Peter's Basilica to mark his creation of 20 new cardinals from around the world on Saturday. His words during the homily seemed to portray a significantly new vision for how he wants cardinals -- historically called the "princes of the church" -- to go about their work. Reflecting on Sunday's Gospel reading -- a section from the Gospel of Mark in which Jesus touches a leper and heals him -- Francis spoke for an unusually long 15 minutes on the need to be compassionate, to seek to "reintegrate" the marginalised, and to "respond immediately" to those left most in need by society.

The pope outlined what he said were two ways "of thinking and of having faith." "We can fear losing the saved, and we can want to save the lost," said Francis. "Even today, we may stand at the crossroads of these two ways of thinking." "The thinking of the doctors of the law, which would remove the danger by casting out the diseased person," he continued. "And the thinking of God, who in his mercy embraces and accepts by reinstating him and turning evil into good, condemnation into salvation and exclusion into proclamation." "These two ways of thinking are present throughout the Church's history: Casting off and reintegrating," said Francis. "The Church's way, from the time of the Council of Jerusalem, has always been the way of Jesus, the way of mercy and reintegration," he said.

"This does not mean underestimating the dangers of letting wolves into the fold," said the pope. "But welcoming the repentant prodigal son; healing the wounds of sin with courage and determination; rolling up our sleeves and not standing by and watching passively the suffering of the world." "The way of the Church is not condemning anyone eternally; to pour out the balm of God's mercy on all those who ask for it with a sincere heart," said Francis. "The way of the Church is precisely to leave her four walls behind and to go out in search of those who are distant, those on the 'outskirts' of life." "In a word: charity cannot be neutral, indifferent, lukewarm or impartial!" Francis exhorted. "Charity is infectious, it excites, it risks, and it engages! For true charity is always unmerited, unconditional and gratuitous!" "Charity is creative in finding the right words to speak to all those considered incurable and hence untouchable," said the pope. "Contact is the true language of communication, the same endearing language which brought healing to the leper."

"How many healings can we perform if only we learn this language!" he said. "The leper, once cured, became a messenger of God's love. The Gospel tells us that 'he went out and began to proclaim it freely and to spread the word.'" Addressing directly the prelates he named as cardinals, Francis said that the curing of the leper is the "logic, the mind of Jesus, and this is the way of the Church." "Not only to welcome and reintegrate with evangelical courage all those who knock at our door, but to go out and to seek, fearlessly and without prejudice, those who are distant, freely sharing what we ourselves freely received," said the pope. He continued: "Total openness to serving others is our hallmark, it alone is our title of honour!"

Earlier in his homily, Francis meditated directly on Jesus' action in the Gospel story, saying he had wanted to touch the leper to "restore him to the community without being 'hemmed in' by prejudice, conformity to the prevailing mindset or worry about becoming infected." "Jesus responds immediately to the leper's plea, without waiting to study the situation and all its possible consequences!" said the pope. "For Jesus, what matters above all is reaching out to save those far off, healing the wounds of the sick, restoring everyone to God's family!" "And this is scandalous to some people!" Francis said. "Jesus is not afraid of this kind of scandal!"

Jesus, said the pope, "does not think of the closed-minded who are scandalized even by a work of healing, scandalized before any kind of openness, by any action outside of their mental and spiritual boxes, by any caress or sign of tenderness which does not fit into their usual thinking and their ritual purity." Jesus, Francis said, "wanted to reinstate the outcast, to save those outside the camp." Cardinals are usually senior Catholic prelates who serve either as archbishops in the world's largest dioceses or in the Vatican's central bureaucracy. Their principal role is to gather in secret conclave after the death or resignation of a pope to elect his successor. While historically cardinals have come from certain larger cities known for their Catholic populations or global importance, Francis has sought to diversify representation in the

group -- choosing men from places long underrepresented or even not represented in the College of Cardinals.

### **Denial of Social Justice**

Christianity is one of the most favourable religions for the ex-untouchable or Dalit community in India. Dalit Christians are those people or community who converted to Christianity predominantly from the Scheduled Castes but excluded from the official list of Scheduled Castes through the Constitution, the Scheduled Castes order, 1950 of the President of India (Paswan and Jaideva, 2004). However, the phrase “Christian Dalit” was adopted by the Christian Dalit Liberation Movement in 1984 in its second formation at Hyderabad. The term Christian Dalits was adopted in preference to the nomenclature, Christians of Scheduled Castes origin (CSCOs) or Dalit Christians, to give more emphasis to the dignity and humanity of Dalits. The National Convention of Catholic Christians held at Bombay in June 1989 has adopted this term for the Christians of Scheduled Castes Origin. This category, however, still has to find currency in popular uses (Paswan and Jaideva, 2004:305). In the year 1950, the Honourable President of India issued the first “Constitution (Scheduled Castes) Order, 1950” specifying the castes to be recognised as the Scheduled Castes by exercising the authority conferred on him under Article 341(1) of the Constitution of Independent India. The third paragraph of the order however qualifies that “notwithstanding anything contained in Para2, no person who professes a religion different from Hinduism shall be deemed to be a member of the Scheduled Castes” (Fazal, 2017:2). This order clearly says those people of origin of untouchable castes who profess only Hindu religion would be entitle for the constitutional benefits specifically meant for the scheduled castes. The main point of this argument by this section of people demanding SC status is that the denial of SC status to SC converted Christians and Muslims constitutes a violation of Articles 14, 15 and Article 25 of the Fundamental Rights of the Constitution of India. Article 14 of the Constitution speaks of equality before the law. It states that “the state shall not deny to any person equality before law or the equal protection of the laws within the territory of India.

### **Why are Dalit Christians not included in the reservation?**

- The original rationale behind giving reservations to the Scheduled Castes was the centuries of suffering these sections had gone through because of the social evil of untouchability, which was practised among Hindus.
- Under Article 341 of the Constitution, the President may specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall be deemed to be Scheduled Castes.
- However, the reservation is not based on religion as the rights of a person belonging to a Scheduled Tribe are independent of his/her religious faith.
- Also, several Christian and Muslim communities have been included in the Central and state lists of OBCs after the implementation of the Mandal Commission report.
- Arguments in favour of extending Dalit reservation:
- The change in religion does not change social exclusion.
- The social hierarchy and specifically caste hierarchy continues to remain within Christianity and Muslims due to the intermingling of cultures and traditions over centuries.
- The Sachar Committee Report observed that the social and economic situation of Dalit Muslims and Dalit Christians did not improve after conversion.

- The Ranganath Misra Commission recommended that SC status should be completely de-linked from religion and Scheduled Castes should be made fully religion-neutral, like Scheduled Tribes.
- Arguments against extending Dalit reservation:
- SC status is for communities suffering from social disabilities arising out of the practice of untouchability, which was prevalent in the Hindu religion and its branches.
- Any such move will significantly increase the population of SCs across the country.
- Dalit Buddhists, Dalits converted to Islam or Christianity, cannot be categorised as a single ethnic group.
- Extending Dalit reservation can be misunderstood internationally as an attempt to impose the caste system upon Christians and Muslims.
- Christians and Muslims of Dalit origin had lost their caste identity by way of their conversion.

During the November 2022 hearing of ‘Centre for Public Interest Litigation and Another vs Union of India’, the Central government argued that the Constitution (Scheduled Caste) Order of 1950, which was challenged in the case, was based on historical data that showed no evidence of backwardness or oppression faced by members of Christian or Islamic society. The government affidavit also stated that Dalits convert to Islam or Christianity to escape the oppressive system of untouchability in Hinduism, which is not present in these religions. Additionally, the government quoted a dissenting note from the National Commission for Religious and Linguistic Minorities report, which asserted that Islam and Christianity are foreign religions that do not recognise the caste system. According to the report, granting SC status to converts would introduce the caste system into those religions.

To address the issue of granting Scheduled Caste status to individuals who claim to have a historical connection to the community but have converted to religions other than those mentioned in the Presidential Orders issued under Article 341 of the Constitution, the Centre has formed a three-member commission led by former CJI KG Balakrishnan. The report was not in favour of the Christians. During the framing of the Indian Constitution in 1950, an order was issued under Article 341, known as the Constitution (Scheduled Castes) Order. This order authorised the President of India to publicly notify and identify the “castes, races or tribes or parts of or groups within castes, races or tribes” that would be considered Scheduled Castes (SC) for the Constitution. Initially, the order recognised only Hindus as SCs. However, in response to political pressure, it was amended to include Sikhs in 1956 and Buddhists in 1990. Nevertheless, no provisions were made to include disadvantaged communities within the Muslim and Christian religions in the definition of SCs.

The Roman Catholic Mission church has provided little representation to the Dalit communities. However, as seen in this paper, Dalits still do not get equitable representation in the priesthood in proportion to their population as Christians. Christianity’s failure to eliminate caste discrimination within its structure underscores Dr Ambedkar’s scepticism about conversion as a path to equality. Despite its claims of universal brotherhood, caste hierarchies persist in the church, marginalising Dalit Christians even after conversion. Ambedkar rightly argued that conversion to Christianity does not assure social emancipation, as caste remains intensely entrenched in Indian society.

## Reference

1. Amaladoss, M. *A Call to Community: the Caste System and Christian Responsibility* (Gujarat: Gujarat Sahitya Prakash, 1994).
2. Ambedkar, B.R. *What Congress and Gandhi Have Done to the Untouchables* (Bombay:Thacker & Co, 1945).
3. Ambedkar, B.R. *The Untouchables* (New Delhi: Amrit Book Co, 1948).
4. Arulraja, M.R. *Jesus the Dalit* (Secunderabad: Jeevan Institute of Printing, 1996).
5. Balasundaram, F.J. *Dalits and Christian Mission in the Tamil Country* (Bangalore: AsianTrading Corporation, 1997).
6. Clarke, S. *Dalits and Christianity: Subaltern Religion and Liberation Theology in India* (New Delhi: Oxford University Press, 1998).
7. Deliége, R. *The Untouchables of India* (Oxford: Berg, 1999).
8. Haslam, D. *Caste Out!: The Liberation Struggle of the Dalits in India* (London: CTBI Inter-Church House, 1999).
9. Jadhav, J. *Untouchables: My Family's Triumphant Journey out of the Caste System in Modern India* (New York: Simon & Schuster, 2005).
10. Massey, J. *Dalits in India: Religion as a Source of Bondage or Liberation with a Special Reference to Christians* (New Delhi: Manohar Publishers & Distributors, 1995).
11. Massey, J. *Downtrodden: The Struggle of India's Dalits for Identity, Solidarity and Liberation* (Geneva: WCC Publications, 1997).
12. Massey, J. *Towards Dalit Hermeneutics: re-reading the text, the history and the literature* (Delhi: Indian Society for Promoting Christian Knowledge, 1994).
13. Mattam, J. Kim, S. (ed.) *Dimensions of Mission in India* (Bombay: ST PAULS, 1995).
14. Michael, S.M. (ed.) *Dalits in Modern India: Vision and Values* (New Delhi: Sage Publications, 2007).
15. Mundadan, A.M. *Indian Christians: Search for Identity and Struggle for Autonomy* (Bangalore: Dharmaram publications, 1984).
16. Rajpramukh, K.E. *Dalit Christians of Andhra: Under the Impact of Missionaries* (New Delhi:Serials Publications, 2008).
17. Robinson, R. Clarke, S. (ed.) *Religious Conversion in India: Modes, Motivations and Meanings* (New Delhi: Oxford University Press, 2003).
18. Schouten, J.P. *Jezus als goeroe: het beeld van Jezus Christus onder hindoes en christenen in India* (Budel: Damon, 2007).
19. Stap, P. Veini, E. *Dalit Lives* (Rotterdam: Titojoe documentaries, 2005).
20. Shiri, G. *The Plight of Christian Dalits: a South Indian Case Study* (Bangalore: Asian TradingCorporation, 1997).
21. Stanislaus, L. *The Liberative Mission of the Church Among Dalit Christians* (Delhi: ISPCK, 1999).
22. Thorat, S. *Dalits in India: Search for a Common Destiny* (New Delhi: SAGE Publications, 2009).
23. Webster, J.C.B. *Religion and Dalit Liberation: an Examination of Perspectives* (Delhi: Page | 36 Manohar, 1999).
24. Webster, J.C.B. *The Dalit Christians: A History* (Delhi: The Indian Society of PromotingChristian Knowledge (ISPCK), 1992).
25. Wilfred, F. *Dalit Empowerment* (Bangalore: NBCLC, 2000).
26. Wilfred, F. *On the Banks of Ganges: Doing Contextual Theology* (Delhi: Indian Society forPromoting Christian Knowledge, 2002).
27. Interview with Bishop Council of India, 2017

29. Interview with DCLM 2017
30. Interview with TamilNadu Waqf Association, 2017
31. Interview with Temple worshiper Society, 2017
32. Robert L. Hardgrave (1969).The Nadars of TamilNadu The political Culture of a Community in Change, Bombay, and Oxford University press.
33. Robin Jeffery(1976) Social Scientist, Temple entry movement in Travancore, 1860 to 1940, vol,4,no.8
34. Veeramani(1998) Vikam Veerar, EVR Periyar, DK Publication, Chennai, Tamil Nadu
35. Mahadhma Gandhi(1939), Temple Entry and Congress in Tamil Nadu, in Harijan, issue dated July22, 1939
36. Madras Temple Entry Bill 1939
37. Temple entry Congress, Madurai on June 13,1939
38. Baker and Wash brook (1975), South India: Political Institutions and political change, Delhi
39. Rajaraman (1988). The Justice Party: A Historical Perspective,1916 to 1937
40. Diane P.mina(2005) Fierce Gods; In Equality Ritual, and the Politics Dignity of South India, Indian University Press, Delhi
41. Rangaraju,(1985), Temple Entry Politics in Colonial TamilNadu, Pavai Publication, Chennai, TamilNadu
42. Paramarthalingam.C (1997), Religion and Social reforms in TamilNadu, Rajkumar publication Madurai. TamilNadu.
43. Sobna.B( 1985) Temple Entry Movement and Sivakasi Riots, Raj Publishers Madurai, TamilNadu.
44. Vide Madras Legislative Assembly Debate, Vol, V 1939
45. Madras legislative council proceedings, volxii,1949
46. Venkataraman,( 1949),Temple Entry Legislation, DK Publication, Madras,
47. Jagadisa Ayyar. P.V. (1982), South Indian Shrines, New Delhi: Asian Educational Services, pp.1-3.
48. Abid Husain.S(1978), The National Culture of India ,New Delhi : National Book Trust, pp.40-42.
49. Hermann Kuke and Dietmar Rothermund, (1991) A History of India, Calcutta: Rupa and Co., p.153.
50. G.A. Oddie (1978). Social Movements in India: British Protestant Missionaries and Social Reforms 1850-1900, Delhi: Manohar Publishers, pp.28-32.
51. Desika Char (1993), Caste, Religion and Country A View of Ancient, Medieval India, London: Sangam Books, pp.15-17.
52. Kamble. N.D (1982), The Scheduled Castes, New Delhi: Asian Publishing House, p.4.
53. Joy Gnanadason(1994), A Forgotten History - The Story of the Missionary Movement and the Liberation of People in South Travancore , Madras : Gurukul Lutheran Theological College and Research Institute, p.18.
54. Sesha Iyengar T.R,(1952), The Ancient Dravidians, Madras : Asian Educational Services, pp.56-58.
55. Srinivasa Iyengar PT, (1982), Pre-Aryan Tamil Culture, New Delhi: Asian Educational Services, pp.18-22.
56. Robert L. Hardgrave (1965), The Dravidian Movement, Bombay: Popular Prakashan, pp.8-11.
57. Abbe Dubois (1897), Hindu Manners, Customs and Ceremonies translated by Henry Beauchamp, Oxford: The Clarendon Press, p.75.
58. Pillai K.K (1975), Social History of the Tamils, Madras: University of Madras, pp.235-237.

59. Chidambaram Pillai P, (1933), Right of Temple Entry, Nagercoil : Alexandra Press, pp.246-248.
60. Subramanian (1996), Social History of the Tamils (1707-1947), New Delhi: D.K. Print World (P) Ltd., p.54.
61. Mahalingam (ed.), Mackenzie Manuscripts (1972), Summaries of the Historical Manuscripts in the Mackenzie Collection, Madras: University of Madras, Vol.I, pp.146-148.
62. Manickam.S (1990), Nandanar, The Dalit Martyr - A Historical Reconstruction of His Times, Madras: C.L.S. Publications, pp.22-23.
63. Peter Ronald de Souza (2001) (ed.), Contemporary India Transitions, New Delhi: Sage Publications, pp.58-62.
64. Thomas Samuel (1977), One Caste, One Religion, One God, New Delhi: Manohar Publications, pp.49-50.
65. Agur CM (1901), Church History of Travancore, Madras: S.P.G. Press, pp. 826-844.
66. Nilakanta Sastri K.A (1963), Development of Religion in South India, Madras: University of Madras, pp. 88-91.
67. Caldwell R (1982), A History of Tinnevelly (Reprint), New Delhi: Asian Educational Services, pp. 245-248.
68. Pate H.R (1917), Madras District Gazetteers: Tinnevelly, Madras: Government Press, pp.224-225.
69. Robert L. Hardgrave (1969), The Nadars of TamilNadu: The Political Culture of a Community in Change, Bombay: Oxford University Press, pp.7-8.
70. John Chandler (1909), Seventy-Five Years in the Madura Mission, Madras: American Madura Mission Press, pp.21-25.
71. Mattison Mines, The Warrier Merchants (1984) Textiles, Trade and Territory in South India, Cambridge, Cambridge University Press, pp.146-147.
72. Judicial Department, G.O. No.1332, dated 16th July 1907.
73. Sankaralinga Nadar Vs Raja Rajeswara Dorai on Appeal from the High Court of Judicature at Madras to Privy Council at London. Reported in Indian Law Reports 31 Madras 236 (1908) and in 35 Indian Appeals 176 (1908). & Chidambaranar temple case by Dikshidars in Supreme court of India,2006
74. Under Secretary Safe File No.804, Government of Madras, dated 16th December 1932.
75. Krishna Kripalani (1968), Gandhi: A Life, New Delhi: National Book Trust, pp.136-139.
76. Owen M. Lynch (1974), The Politics of Untouchability Social Mobility and Social Change in a City of India, New Delhi: National Publishers, pp.174-179.
77. Rajaji.C, (1967) Social Disabilities, Madras , Thackar Baba Vidyalaya, pp. 4-9
78. Harijan, Vol. III, dated 22nd March 1935, p.44.
79. Padmanabhan,S (1971), The Forgotten History of the Land's End, Nagercoil, Kumaran Pathippakam, pp.11-14.
80. Rajan. TSS, (1954), Tamil Nattil Gandhi (Tamil), Madras, Kalaimagal Karyalayam, pp.2-9.
81. Census 2011, Government of India,
82. HR & CE Act,1959 & HR&CE Review Report, Government of TamilNadu, 2012
83. Hardgrave, Robert (1969).The Nadars of TamilNadu: The Political Culture of a community in Change, Berkeley: University of California Press
84. Temple man, Dennis (1996). The Northern Nadars of Tamil Nadu: An Indian Caste in the Process of Change. Oxford University Press, USA.
85. Mandelbaum, David Goodman (1970). Society in India, Volumes 1–2. University of California Press.

86. Immanuel, M. (2002). The Dravidian Lineages: The Nadars through the Ages. A Socio-Historical Study. From Indus Valley Civilization to present time. 137/H-4 Bethel Nagar, Nagercoil-629004, and Tamil Nadu, India: Historical Research & Publications Trust.
87. Michael Bergunder, Heiko (2011) 'Ritual, Caste, and Religion in Colonial South India .Primus Books.
88. Venkatachalam, A. R. (2011). "More Kshatriya than thou!" Debating caste and ritual ranking in colonial TamilNadu". In Bergunder, Michael; Frese, Heiko; Schröder.
89. Canon Law, section 537, Vatican Rome, 1995.
90. Waqfs endowments act, 1995, Government of India, 1995.
91. Indira, (2011) Religious pluralism and legal entities, working papers, theological seminary Trichy, TamilNadu.